

ShawPittman LLP

A Limited Liability Partnership Including Professional Corporations

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DUPLICATE

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July 15, 2004

VIA HAND DELIVERY TO MELLON BANK

FCC/MELLON

JUL 16 2004

Mr. Andrew S. Fishel  
Managing Director  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

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Assign to  
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cc: Patty  
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Re: REQUEST FOR WAIVER OF APPLICATION FEES  
Pegasus Broadcast Associates, L.P., WILF(TV), Williamsport, PA (FIN 52075)  
Pegasus Broadcast Television, Inc., W05CK, Tylertown, MS (FIN 128139)  
Pegasus Broadcast Television, Inc., W23CM, Tylertown, MS (FIN 128142)  
HMW, Inc., WPXT(TV), Portland, Maine (FIN 53065)  
WDSI License Corp., WDSI-TV, Chattanooga, TN (FIN 71353)  
WDSI License Corp., WPDP-LP, Cleveland, OH (FIN 52078)  
WGFL License Corporation, WGFL(TV), High Springs, FL (FIN 7727)  
WGFL License Corporation, WYPN-CA, Gainesville, FL (FIN 7726)  
WGFL License Corporation, WLCF-LP, Lake City, FL (FIN 47483)  
WOLF License Corp., WOLF-TV, Hazleton, PA (FIN 73375)  
WOLF License Corp., W52CE, Sayre, PA (FIN 52077)  
WTLH License Corp., WTLH(TV), Bainbridge, GA (FIN 23486)  
WTLH License Corp., WBFL-CA, Valdosta, GA (FIN 48763)  
WTLH License Corp., WBVJ-LP, Valdosta, GA (FIN 23487)

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max  
Aug. 5, 2004

Dear Mr. Fishel:

The above-referenced licensees (hereinafter "License Companies"), by their counsel and pursuant to Section 1.1117(a) of the Commission's Rules, hereby request a waiver of Section 1.1104 with regard to the application fees associated with the recent filing of applications seeking Commission consent to an involuntary *pro forma* assignment of the licenses listed above.

On June 2, 2004, the License Companies, their direct corporate parent, and certain other affiliated companies, filed a voluntary petition for bankruptcy in the United States Bankruptcy

Washington, DC  
Northern Virginia  
New York  
Los Angeles  
London

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Court, District of Maine seeking to reorganize under Chapter 11 of the U.S. Bankruptcy Code.<sup>1</sup> See *In re: Pegasus Satellite Television Inc. et al.*, Case Number 04-20878 (Chapter 11) (Bnkr. D. Maine). The License Companies are currently operating as debtors-in-possession under the Bankruptcy Court's oversight as they go through the Chapter 11 process. A copy of the initial Petition for Bankruptcy is attached hereto, as well as a copy of the Bankruptcy Court's order authorizing the debtor companies to continue operating in the ordinary course. See Exhibit 1. In addition, copies of the notification made to the FCC regarding the petition for Bankruptcy are attached as Exhibit 2.

On July 2, 2004, the License Companies each filed electronically involuntary *pro forma* assignment of license applications on FCC Form 316 to request Commission consent to the assignment of the licensed stations to the License Companies as debtors-in-possession pursuant to the pending bankruptcy petition. These applications are currently pending with the FCC's Media Bureau. As required by Section 1.1117(e), attached hereto are copies of these applications, along with an FCC Form 159 Fee Admittance Advice and a fee filing check made payable to the FCC, corresponding to each application. See Exhibit 3.

In light of the recently commenced bankruptcy proceeding, the License Companies respectfully request a waiver of these application fees. Such a waiver is in the public interest and fully consistent with the Commission's prior precedent. Section 1.1117(a) allows fees to be "waived or deferred in specific instances where good cause is shown and where waiver or deferral of the fee would promote the public interest." 47 C.F.R. § 1.1117(a). The Commission has previously held that a corporate reorganization under Chapter 11 bankruptcy is a sufficient cause for waiver of the payment of application fees. See *MobileMedia Corporation, et al.; Applicant for Authorizations and Licenses of Certain Stations in Various Services*, Memorandum and Order, 14 FCC Rcd 8017, ¶¶ 39-40 (rel. Feb. 5, 1999) (finding that a licensee's bankruptcy "establishes good cause for wavier of filing fee" and that a waiver in those circumstances serves the public interest); see also *Implementation of Section 9 of the Communications Act, Assessment and Collection of Regulatory Fees for the 1994 Fiscal Year*, Memorandum and Order, 10 FCC Rcd 12759, ¶ 14 (rel. June 22, 1995) (waiving regulatory fees for licenses held by debtor-in-possession, and stating "Evidence of bankruptcy or receivership is sufficient to establish financial hardship.").

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<sup>1</sup> While WGFL License Corporation itself has not sought protection from the bankruptcy court, its direct corporate parent, Pegasus Satellite Communications, Inc., has sought such protection, thereby necessitating the filing of a *pro forma* transfer of control application for WGLF License Corporation under the Commission's Rules.

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Without a waiver, the costs associated with these applications would total \$1,610.00. The License Companies and their parent corporations are financially distressed, as evidenced by the need to file for Chapter 11 bankruptcy protection and the corresponding *pro forma* assignment of license to debtors-in-possession. As demonstrated by Commission precedent, it is in the public interest to waive the filing fees for these applications so that the License Companies' financial resources can be conserved and otherwise used to continue operating these stations.

Therefore, the License Companies respectfully request a waiver of the application fees for the above referenced *pro forma* involuntary assignment of license applications and request that the attached fee filing checks for those applications be returned.

Should you have any questions regarding this matter, please contact the undersigned.

Respectfully submitted,



Brendan Holland

Enclosures